

AMENDED IN ASSEMBLY MAY 1, 2003
AMENDED IN ASSEMBLY MARCH 27, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 528

Introduced by Assembly Member Mullin

February 18, 2003

An act to amend Section 1569.2 of, and to add Section 1569.6 to, the Health and Safety Code, relating to Alzheimer's disease.

LEGISLATIVE COUNSEL'S DIGEST

AB 528, as amended, Mullin. Alzheimer's disease: residential care facilities for the elderly.

Existing law provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. Existing law requires the director of the department to adopt regulations for these facilities.

This bill would require the department to encourage residential care facilities for the elderly that serve Alzheimer's patients to create activities and programs that are designed to decrease the effects of sundown syndrome ~~by creating more activities in the late afternoon and evening hours, including, but not limited to, increasing outdoor activities in appropriate weather conditions~~. This bill would define sundown syndrome to mean recurring confusion and increasing levels of agitation that coincide with the onset of late afternoon and early evening.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the
2 following:

3 (a) Alzheimer's disease is a devastating disease that destroys
4 certain vital cells of the brain, and affects more than 1,500,000
5 Americans.

6 (b) Alzheimer's disease and related disorders are responsible
7 for 50 percent of all nursing home admissions and Alzheimer's
8 disease is the fourth leading cause of death in adults.

9 (c) Alzheimer's disease has serious emotional, financial, and
10 social consequences for its victims and their families.

11 (d) It is important to provide for the best quality of life for those
12 affected by this disease by providing activities and programs that
13 are adapted for the unique needs of Alzheimer's patients,
14 including programs designed to decrease the effects of "sundown
15 syndrome."

16 SEC. 2. Section 1569.2 of the Health and Safety Code is
17 amended to read:

18 1569.2. As used in this chapter:

19 (a) "Administrator" means the individual designated by the
20 licensee to act in behalf of the licensee in the overall management
21 of the facility. The licensee, if an individual, and the administrator
22 may be one and the same person.

23 (b) "Care and supervision" means the facility assumes
24 responsibility for, or provides or promises to provide in the future,
25 ongoing assistance with activities of daily living without which the
26 resident's physical health, mental health, safety or welfare would
27 be endangered. Assistance includes assistance with taking
28 medications, money management, or personal care.

29 (c) "Department" means the State Department of Social
30 Services.

31 (d) "Director" means the Director of Social Services.

32 (e) "Health-related services" mean services which shall be
33 directly provided by an appropriate skilled professional, including
34 a registered nurse, licensed vocational nurse, physical therapist, or
35 occupational therapist.

36 (f) "Instrumental activities of daily living" means any of the
37 following: housework, meals, laundry, taking of medication,



1 money management, appropriate transportation, correspondence,
2 telephoning, and related tasks.

3 (g) “License” means a basic permit to operate a residential
4 care facility for the elderly.

5 (h) “Personal activities of daily living” means any of the
6 following: dressing, feeding, toileting, bathing, grooming, and
7 mobility and associated tasks.

8 (i) “Personal care” means assistance with personal activities of
9 daily living, to help provide for and maintain physical and
10 psychosocial comfort.

11 (j) “Protective supervision” means observing and assisting
12 confused residents, including persons with dementia, to safeguard
13 them against injury.

14 (k) “Residential care facility for the elderly” means a housing
15 arrangement chosen voluntarily by persons 60 years of age or over,
16 or their authorized representative, where varying levels and
17 intensities of care and supervision, protective supervision, or
18 personal care are provided, based upon their varying needs, as
19 determined in order to be admitted and to remain in the facility.
20 Persons under 60 years of age with compatible needs may be
21 allowed to be admitted or retained in a residential care facility for
22 the elderly as specified in Section 1569.316.

23 This subdivision shall be operative only until the enactment of
24 legislation implementing the three levels of care in residential care
25 facilities for the elderly pursuant to Section 1569.70.

26 (l) “Residential care facility for the elderly” means a housing
27 arrangement chosen voluntarily by persons 60 years of age or over,
28 or their authorized representative, where varying levels and
29 intensities of care and supervision, protective supervision,
30 personal care, or health-related services are provided, based upon
31 their varying needs, as determined in order to be admitted and to
32 remain in the facility. Persons under 60 years of age with
33 compatible needs may be allowed to be admitted or retained in a
34 residential care facility for the elderly as specified in Section
35 1569.316.

36 This subdivision shall become operative upon the enactment of
37 legislation implementing the three levels of care in residential care
38 facilities for the elderly pursuant to Section 1569.70.

1 (m) “Sundown syndrome” means recurring confusion and
2 increasing levels of agitation that coincide with the onset of late
3 afternoon and early evening.

4 (n) “Supportive services” means resources available to the
5 resident in the community which help to maintain their functional
6 ability and meet their needs as identified in the individual resident
7 assessment. Supportive services may include any of the following:
8 medical, dental, and other health care services; transportation;
9 recreational and leisure activities; social services; and counseling
10 services.

11 SEC. 3. Section 1569.6 is added to the Health and Safety
12 Code, to read:

13 1569.6. The department shall encourage residential care
14 facilities for the elderly that serve Alzheimer’s patients to create
15 activities and programs that are designed to decrease the effects of
16 ~~sundown syndrome by creating more activities in the late~~
17 ~~afternoon and evening hours.~~ *of sundown syndrome, including, but*
18 *not limited to, increasing outdoor activities in appropriate weather*
19 *conditions.*

